

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 25, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RUFINA R.,¹

Plaintiff,

vs.

LELAND DUDEK, ACTING
COMMISSIONER OF SOCIAL
SECURITY,²

Defendant.

No. 1:24-cv-03167-RHW

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 8, 12

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 12,
requesting remand of the above-captioned matter to the Commissioner for
additional administrative proceeding pursuant to sentence four of 42 U.S.C. §

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

² Pursuant to Federal Rule of Civil Procedure 25(d), Leland Dudek, Acting Commissioner of Social Security, is substituted as the named Defendant.

1 405(g). Attorney D. James Tree represents Plaintiff. Attorney Michael Mullen
2 represents Defendant.

3 After consideration, **IT IS HEREBY ORDERED** that:

4 1. The parties' Stipulated Motion for Remand, **ECF No. 12**, is **GRANTED**.

5 2. The above-captioned case be **REVERSED** and **REMANDED** to the
6 Commissioner of Social Security for further administrative proceeding pursuant to
7 sentence four of 42 U.S.C. § 405(g).

8 The parties have stipulated to the following instructions. On remand, the
9 Appeals Council shall assign the matter to a new Administrative Law Judge and
10 instruct the new ALJ to:

- 11 • Reevaluate the medical opinion evidence;
- 12 • Reevaluate the Plaintiff's subjective symptom complaints;
- 13 • Reevaluate Plaintiff's residual functional capacity; and
- 14 • Offer Plaintiff the opportunity for a hearing, take further action to
15 complete the administrative record resolving the above issues, and
16 issue a new decision.

17 *See* ECF No. 12 at 2.

18 3. Judgment shall be entered for **PLAINTIFF**.

19 4. Plaintiff's Motion for Summary Judgment, **ECF No. 8**, is
20 **STRICKEN AS MOOT**.

1 5. Upon proper presentation, the Court will consider Plaintiff's
2 application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C.
3 § 2412(d).

4 6. The District Court Executive is directed to update the docket sheet to
5 reflect the substitution of Leland Dudek, Acting Commissioner of Social Security,
6 as Defendant.

7 The District Court Executive is directed to enter this Order, **enter Judgment**
8 **in favor of Plaintiff**, forward copies to counsel, and **CLOSE THE FILE**.

9 DATED March 25, 2025.

10 s/Robert H. Whaley
11 ROBERT H. WHALEY
12 Senior United States District Judge
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